

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

X-----X
UNITED STATES OF AMERICA,
Plaintiff,
v.
MATTHEW DEHART,
Defendant.
X-----X

3:10-CR-00250

JUDGE TRAUGER

DEFENDANT'S PARTIAL WITHDRAWAL
OF HIS MOTION TO DISMISS

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Defendant Matthew DeHart*

The Defendant, through counsel, respectfully withdraws the sections of his Notice of Motion to Dismiss (“Notice,” ECF # 267) and Memorandum in Support of his Motion to Dismiss (“Memorandum in Support,” ECF #267-1) related to the deletion of the defendant’s Gmail accounts. Specifically, the Defense withdraws:

1. The last sentence in the first paragraph of the Notice, beginning with
“Additionally, the government appears to have deleted...” (ECF #267 at p. 1)
2. The last sentence of the Introduction in the Memorandum of Support, beginning with “Additionally, the government appears to have deleted...” (ECF #267-1 at p. 5)
3. The second paragraph of the Preliminary Statement in the Memorandum of Support, beginning with “Additionally, the government appears to have permanently deleted...” (ECF #267-1 at p. 6)
4. Section II, subsections A through D of the Argument section in the memorandum of support, titled “The Indictment Should Be Dismissed Because The Government Has Deleted Material, As Well As Potentially Useful, Evidence.” (ECF #267-1 at pp. 21-24).
5. Other portions of the Notice or Memorandum in Support that reference or concern the government’s deletion of Gmail online accounts.

The Defendant does not withdraw the portions of his Argument section II(E) that relate to the invalid waiver and consent forms. The Defendant reserves the right to supplement or amend these motions, or this withdrawal, as necessary.

DATED: October 7, 2015

Respectfully Submitted,

/s/ Tor Ekeland

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